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Security Council

Fifty-ninth year

Provisional

5071st meeting

Thursday, 4 November 2004, 10.20 a.m.

New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinsou
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

Report of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004, and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004 (S/2004/881)

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04-59111 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Report of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004, and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004 (S/2004/881)

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation.

It is so decided.

I invite Mr. Pronk to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them the report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004, and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004, document S/2004/881.

At this meeting, the Security Council will hear a briefing by Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation. I now give him the floor.

Mr. Pronk: The report of the Secretary-General on the situation in the Sudan in October presents a hybrid picture. There is progress on the political front, but regression on the ground. The progress is slow, and the regression is alarming. The divergence between the two trends is also getting wider. Political agreements reached at the negotiating table may come too late to stop the rising violence and human suffering in the towns, villages and settlements in the field. I am afraid that the situation in Darfur may become unmanageable unless greater efforts are made both at the negotiating table and on the ground.

The meetings of the Council planned for mid-November in Nairobi provide an excellent opportunity to get such robust measures started. Is that necessary? Yes, it is. Since the first Security Council resolution on Darfur — resolution 1556 (2004) — three months ago, there has undoubtedly been progress on the political front, but it is not yet paying off because in Darfur itself the situation has greatly deteriorated.

The report before the Council today identifies a number of trends in events during October. Both the Government and the rebel movements violated the ceasefire, and it seems that the Sudan Liberation Movement/Army (SLM/A) was responsible for the greater number of such violations in October. The SLM/A is seeking to claim a wider area of control in Darfur and are strengthening its logistical and fighting capacity. The Government is also trying to extend the territory under its control by attacking with mixed forces made up of military, police and militia. The United Nations is awaiting verification from the African Union (AU) Ceasefire Commission on reports that aircraft flown in those attacks discharged their weapons against ground targets. The Government, however, has denied that action and stated that it has given instructions to the military not to do so.

In the beginning of the reporting period, large-scale attacks on civilians by militia did not take place. However, towards the end of the month, the threat of large-scale attacks had increased considerably. Cases of banditry and abduction are rising, hampering the delivery of humanitarian aid. Two new rebel groups have arisen and another new threat — that of landmines — has emerged to threaten humanitarian operations and civilians in Darfur. The Council is aware of the tragic death of two humanitarian aid workers caused by a landmine — a criminal, cowardly act against people who had come to help.

In general, agreements reached with the Government are kept. For instance, they agreed on full and unhindered access for humanitarian assistance. However, they are backsliding on their agreement that displaced persons will not be forced to return or to relocate. Recently, in south Darfur, families of displaced persons were forced, in the middle of the

night, to leave the place where they had sought refuge. That should stop immediately, and the forcibly uprooted displaced people should be helped to get back to their freely chosen places of refuge.

So, overall, instability has increased in October with more insecurity and violence than in September. The situation has become very tense during the last couple of days, more tense than at any time since the adoption of the first Security Council resolution on Darfur in July 2004. An armed group, said to be members of SLM/A, looted a large number of camels from Arab tribes and kidnapped 18 civilians from a passenger bus in the area around Zalingei, west Darfur. That gave rise to an ultimatum by the militia, which threatened to attack not only SLA forces, but also the civilian population and displaced persons.

As October turned into November the situation deteriorated and tension rose to a level unprecedented since early August: fighting is breaking out in more and more places; parties are provoking one another; militias are ganging up; and governmental authorities are not able to exert a moderating influence or they respond with untimely and even counterproductive measures. Darfur may easily enter a state of anarchy — a total collapse of law and order. The conflict is changing in character. The Government does not fully control its own forces. It co-opted paramilitary forces and now it cannot count on their obedience. The genie is out of the bottle and cannot be pushed back in. The border lines between the military, the paramilitary and the police are being blurred. Within the rebel movements, there is a leadership crisis. There are splits. Some commanders provoke their adversaries by stealing, hijacking and killing. Some seem to have begun acting for their own private gain. They now control so much territory that they must either take responsibility for the needs of the people therein — and become political leaders — or else turn to preying on the civilians in areas they control by force — in which case we may soon find Darfur is ruled by warlords.

If those negative trends are not reversed, it is a recipe for disaster. If the fighting continues, the crops will fail and the whole population of Darfur will become dependent on humanitarian assistance. Many livelihoods are at stake. It started two years ago, when some Arab tribes drove other tribes out in order to get more *Lebensraum* for themselves and their cattle. It was pure ethnic cleansing. Now they now are getting something similar in return: thefts of cattle and the blocking of the necessary camel tracks to dry areas, resulting in illness of the animals and thus in a threat to their own livelihoods. Right of access to scarce common natural resources is being denied. Those resources are even scarcer owing to pressure from increased human and animal populations and also to a decrease in the quality of those resources as a result of climate change. The result is a fight between economic lifestyles drawing on the same natural resources, leading to survival of the fittest and death for the weakest.

Can that situation be reversed? It can be reversed only by a three-pronged approach. First, a third-party force — the AU — must be deployed to effectively deter violations. Secondly, there must be a speeding up of all negotiation processes. Thirdly, political leaders — the official ones as well as the self-elected ones — must be held accountable for ongoing violations of agreements and further human misery.

First, the deployment of the expanded AU force is already taking place. However, the present upsurge in violence and the trends that I indicated require an even speedier deployment of those forces in order to enable them to be everywhere they are needed — that is, in any area where the insecure situation may get out of control and explode. I would advise members of the Security Council to consider all possibilities for more financial and logistical support to the AU to ensure that its forces can be present wherever they are required to fulfil their tasks.

The second element of the three-pronged approach is the speeding up of all negotiation processes. Political talks between the Government and the various movements are proceeding. There is light at the end of the tunnel, but it seems as if the tunnel is getting longer and longer. Political solutions are important in themselves; they are also urgently needed in order to get a grip on the security situation on the ground.

Three months ago, there were not yet any talks between the Government and the rebel movements in Darfur. They have now started. They were paralysed in the last round because parties were focused on the wrong issues. At the negotiation table in Abuja, there is still reluctance, distrust, internal division, lack of capacity to negotiate and no sense of urgency.

The Government and the rebel movements must comply with Security Council resolutions and with the N'djamena Ceasefire Agreement, rather than make their compliance mutually conditional. They should implement fully and immediately the agreement reached on humanitarian access, whether that agreement has been signed or not. They should put their political objectives at the centre of their deliberations, rather than focusing on issues, such as humanitarian access and security, that are essentially non-negotiable. The Security Council meetings in Nairobi could bring the parties to realize that the international community expects them to negotiate in good faith and adopt, before the end of the year, a declaration of principles, as well as a time frame and a detailed agenda for further negotiations on political issues.

In Nairobi, the Government and the Sudanese People's Liberation Movement met again in October, and some new agreements are close at hand. I have, in previous statements, listed reasons why the outcome of the north-south peace process — peace, a new constitution, a federal structure for the State, national differentiation and a broad-based Government — can serve as a model and basis for Darfur. It now seems that this round of talks has a good chance of being completed. However, a very tough final bone of contention — the financing of the southern army — still has to be resolved. Parties seem reluctant to move. Members of the Security Council could offer their good offices to help resolve that last issue, so that Vice-President Taha and Mr. Garang could meet each other halfway; thus neither of the two would lose.

The international community should ensure that the momentum is sustained and should give the right message to the parties with a single, strong voice. There is now, more than ever, an urgent need for firm pressure on all parties to finalize the agreements and move into the implementation phase. As we have seen in past cases, the final stage can be the most difficult, with new challenges emerging up until the last moment. This final stage has to be completed, ultimately, around the end of this calendar year. Negotiators owe this not only to the people affected by the north-south conflict, but also to the population elsewhere in the Sudan, particularly in Darfur. Therefore, negotiators at the north-south talks should commit themselves to working together to resolve the Darfur conflict immediately after the signature of the comprehensive agreement, for instance by strengthening and underpinning the political process already under way in Abuja.

The Council may therefore wish to make clear that it will not tolerate any further delay in the finalization of a comprehensive north-south peace agreement and a political resolution of the Darfur crisis. The Council's message to the parties should essentially be as follows: "Fulfil your commitments and you will have our support. If you do not, or if you do not do so in time, you will lose it."

The third prong of this political strategy is to ensure that political leaders — the official ones as well as the self-elected ones — are held accountable for ongoing violations of agreements and further misery. The Security Council has adopted a number of resolutions on the Sudan this year, primarily because of increasing concern regarding the fate of the civilian population. Political leaders on any side who deny the facts on the ground, neglect the sorrow of poor and vulnerable people living in areas under their control and use delaying tactics in negotiations and in implementation procedures are acting irresponsibly. The message to the SLM/A, the Justice and Equality Movement and all other armed groups is that their rebel status does not exonerate them from a moral obligation towards their people. On the contrary, as political leaders, they are responsible for civilian protection as much as the Government of Sudan. The Security Council may wish to consider creative and prompt action to ensure effective implementation of the terms it set in earlier resolutions regarding the protection of civilians and to warn all parties that they will all, without exception, be held accountable for such violations. Again, the meetings of the Security Council foreseen for mid-November in Nairobi provide a major opportunity in that respect.

In conclusion, action is required. The humanitarian catastrophe of 2003 and of the first six months of this year was allowed to happen because the international community had not yet decided to act. With the adoption of two Security Council resolutions on Darfur, that has changed. If the sorrow continues, it is despite those resolutions. If, for instance, displaced persons protest and the police and military shoot innocent civilians despite the United Nations presence, a drama would develop for which the United Nations would be blamed. If, for instance, members of militias or paramilitary groups attack unarmed civilians, a massacre would result, despite the fact that the protection of civilians was the essential objective of

the Security Council. That would be a catastrophe. The protection of people is the obligation of the Government of Sudan. It is the obligation of movements that consider themselves as would-be governments, which are bound by the same principles of humanitarian law as formally recognized Governments. It is also the duty of the international community to consider further action if the action taken so far proves to be insufficient.

The President: I thank Mr. Pronk for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.